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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,643	10/16/2001	Jonathan David Rosenberg	2429 Rosenberg	4257
27997	7590	03/02/2006	EXAMINER	
PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,643	ROSENBERG, JONATHAN DAVID	
	Examiner	Art Unit	
	DANG T. TON	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Ton T. Ton
DANG TON
PRIMARY EXAMINER

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 19-24 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 lines 1-2, "said termination equipment" has no antecedent basis.

2. The disclosure is objected to because of the following informalities: Applicant should provide a status of a copending application 08/959,794 in the specification.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 21, 23, 27, and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baran et al. (US 4,771,425).

Regarding claims 1, 4, 21, 23, 27, and 28, a first plurality of telephone sets connected to first termination equipment (PBX-46), which terminates the first plurality of telephone sets in first

location is anticipated by telephone sets (60,62) connected to digital PBX

(46)"disclosed in Fig-1 ;

The limitation, a second plurality of telephone sets connected to second termination equipment which, terminates the first plurality of telephone sets in second location PBX (54) is anticipated by "telephone sets (68, 70) connected to digital PBX (54)" disclosed in Fig-1 .

The limitation, respective packet network telephone gateways connected to the first and second termination equipment and to a packet network is anticipated by packet network gateways (18, 16) connected to PBX 44, PBX 46 and to a packet network 12" as disclosed in Fig 1.

The Limitation, packet gateway are arranged to multiplex voice telephone calls from the first plurality of telephone sets to the second plurality of telephone sets by establishing a transport level connection is anticipated by "communication from telephone sets 60& 62 destined for phone sets 68 and 70 are multiplexed into same transport stream carried on trunk 86 (transport level connection disclosed in Fig 1,element 84.

The Limitation, transport level connection is maintained so long as voice calls are being made between the first and second locations with information from a number of voice telephone calls directed to different ones of second plurality of telephone sets multiplexed into a single packet is anticipated by packet made up of 168 bits of voice or data information, which is about 21 voice channels/calls, where each voice channel carries 8 bits (hence it is clear that Baran's system could multiplex up to 21 voice calls into one packet for transmission over the packet network disclosed in column 6, line

59-column 7, line 3 and Fig. 3A

Regarding claim 4, a private branch comprises the termination equipment is anticipated by PBXM6 or PBX-54" disclosed in fig-1 ; wherein the input is a telephone processor converting the plurality of voice calls from analog to digital form (see box 46 in figure 1).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claim 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baran et al. (US 4,771,425) in view of Willaims et al. (US 5,883,891).

Baran et al. teaches all the limitations of claim 3 and claim 24 (see the rejection for claim 1 above) except Baran et al. fails to disclose central office comprising a the termination equipment and channel identification. Willaims et al. discloses termination of the telephone set being performed by the central office (refer fig 1A or column 4, Lines 50-55 of Willaims et al.) and that nodes (gateways) along the route (channel) are

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designated by a unique IP address (channel identification) (refer column I-line 60-column 2, line 5). At the time the invention was made it would have been obvious to a person in ordinary skill in art to terminate the telephone sets of Baran et al. by central office instead of a PBX. One in ordinary skill in art would have been motivated to do so with the motivation being to utilize the high termination capacity of central office (since it is a known fact that central office can terminate more Lines than PBX can) and channel identification for identifying channel which carries packets.

5. Claims 2,5,6 ,19,22,29,30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baran et al (US 4,771,425) in view of Gordon (US 5,608,786).

Regarding claim 2, Baran et al. teaches all the limitations of claim 3 (see the rejection for claim 1 above) except Baran et al. fails to disclose packet network is an Internet. Gordon teaches that Internet could be used as a packet network for long distance telephony (see Fig. 5 or column 8, lines 62-65). At the time the invention was made it would have been obvious to a person in ordinary skill in art to use Internet in a packet network of Baran et al. One in ordinary skill in art would have been motivated to do so with a motivation being to provide long distance telephony communications at a low cost to save money (see column 9, Lines 1-4 of Gordon).

Regarding claim 5, Baran et al. also teaches packet network telephone gateways operate to establish a packet network connection in response to a request from a user associated with one of the telephone sets in Fig 1 and gateway establishing a channel for each user within each the transport level connection is disclosed by "establishment

of 8 bit for each voice channel" in Fig 1 of Baran et al (US 4,771,425) also see column 6, Lines 59-66.

Regarding claim 6, Baran et al. teaches all the limitations of claim 3 (see the rejection for claim 5 above), Baran et al. also teaches "voice signals are digitized at the channel bank (46) and digitized voice signals are multiplexed and packetized at the gateway (Mux-18)" refer fig 1 of Baran et al. Baran et al. fails to teach voice signal are digitized at the gateway. Gordon teaches the gateway (access node 6) accepting and digitizing voice signals (see Fig 1 or column 6, Lines 55-59.) This mechanism eliminates channel bank. Thus it would have been obvious to one in ordinary skill in art at the time the invention was made to apply Gordon teaching to Baran et al. system with the motivation being to eliminate the need for separate channel bank to simplify the system and save money.

Regarding claim 19, Fig 1 of Baran et al. teaches a telecommunication system employing a packet network (12) in routing of telecommunication information from an originating point (56,58,60,62) to a destination point (68,70,72,74), comprising a plurality of communication switches (PBX 44, PBX 46, PBX 50) and plurality of gateways for (14,16,18) for interfacing respective ones of the communication switches (PBX 44, PBX 46, PBX 50) with the packet network (12) such that communication information received from different originating points (56,58,60,62) and exchanged between one of the gateways (14,16,18) is multiplexed at the same transport level connection is disclosed in Fig 1 and in one data packet is disclosed in column 6, line 59-column 7, line 3 and Fig. 3A packet made up of 168 bits of voice or data information, which is about 21

voice channels/calls, where each voice channel carries 8 bits (hence it is clear that Baran's system could multiplex up to 21 voice calls into one packet for transmission over the packet network".

Baran et al. fails to disclose packet network is an internet. Gordon (US 5,608,786) teaches that Internet could be used as a packet network for long distance telephony (see Fig. 5 or column 8, Lines 62-65).

At the time the invention was made it would have been obvious to a person in ordinary skill in art use Internet in a packet network of Baran et al (US 4,771,425). One in ordinary skill in art would have been motivated to do so with a motivation being to provide long distant telephony communications at a low cost to save money (see column 9, lines 1-4 of Gordon (US 5,608,786)).

For claim 29 and 31, Baran et al. and Gordon disclose all the subject matter of the claimed invention with the exception of reusing a channel and terminating the transport level connection when all the plurality of voice calls are disconnected in a communications network. However, the reusing channel is well known in the art. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the reuse channel and terminate the transport level connection when all the plurality of voice calls are disconnected in the communications network of Baran et al. and Gordon for the purpose of saving bandwidth.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baran et al. (US 4,771,425) .

For claim 26, Baran et al. disclose all the subject matter of the claimed invention with the exception of length of payload block in a communications network. However, the length of payload block . Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the length of payload block in the communications network of Baran et al. for the purpose of saving bandwidth and determining the size of the packet.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US 5,274,635) in view of Gordon (US 5,608,786). Fig. 1 of Rahman et al. teaches a telecommunication system employing a packet network in routing of telecommunication information from an originating point (40,42) to a destination point (28), comprising a plurality of communication switches (30) and plurality of gateways (22, 26) is multiplexed at the same transport level connection and in different data packets is disclosed in fig 3 of Rahman et al. "information from different originating points in different time slots 0, 1,2, is multiplexed in different packets 130, 131, 132 that is sent over the packet network.

Rahman et al. fails to disclose packet network is an Internet. Gordon teaches that Internet could be used as a packet network for long distance telephony (see Fig. 5 or column 8, Lines 62-65 of Gordon).

At the time the invention was made it would have been obvious to a person in ordinary skill in art use Internet in a packet network of Rahman et al. One in ordinary skill in art would have been motivated to do so with a motivation being to provide long distant

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telephony communications at a low cost to save money (see column 9, Lines 1-4 of Gordon).

7b. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments with respect to claims 1-6 and 19-31 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks of 8/25/2005, applicant traverses the rejections under 35 U.S.C 102 and 103. The traversal is based on ground that the reference does not teach voice telephone calls being multiplexed into a single packet as claimed. This argument is not found to be persuasive. Applicant's attention is directed at column 6 line 59 to column 7 line 3 wherein it teaches the number of telephone calls are multiplexed into a single packet.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON
PRIMARY EXAMINER